

William P. Ferranti, OSB #160069
wpf@ferrantiappeals.com
THE FERRANTI FIRM LLC
1819 SW 5th Ave. #403
Portland, Oregon 97201
Tel: (503) 877-9220

Vincent C. Ewing, admitted *pro hac vice*
vcewing@me.com
LAW OFFICE OF VINCENT C. EWING
111 West Ocean Blvd., Suite 400, PMB 444
Long Beach, CA 90802
Tel: 626-818-5245

Attorneys for Defendant Boris Berian

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

NIKE USA, INC., an Oregon corporation,

Case No. 3:16-cv-00743-SB

Plaintiff,

v.

BORIS BERIAN, an individual California resident,

Defendant.

DECLARATION OF NICHOLAS SYMMONDS

In Support Of Defendant Boris Berian's Opposition To Nike's Motion For Expedited Preliminary Injunction Hearing and Related Discovery

I, Nicholas Symmonds, hereby declare as follows:

1. I am a track athlete who specializes in middle distance races. I submit this declaration in support of Defendant Boris Berian's Opposition To Nike's Motion For Expedited Preliminary Injunction Hearing and Related Discovery. The information herein is based on my personal knowledge, and, if called and sworn as a witness, I could and would testify competently thereto.

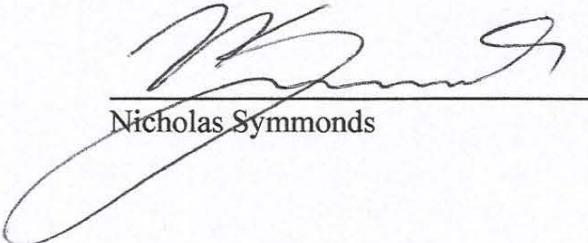
2. I signed with Brooks Running in January 2014 after a 7-year sponsorship with Nike.

3. In my experience, reduction clauses—provisions in sponsorship agreements that reduce the athlete's compensation if he or she fails to perform as expected—are not standard in the industry.

4. In fact, one of the main reasons I left Nike for Brooks was that Nike demanded reductions and Brooks did not.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 07 2016.



Nicholas Symmonds